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Chairman: Mr. Kuchinsky ..... (Ukraine)
later: Ms. Groux (Vice-Chairman) ..... (Switzerland)

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The meeting was called to order at 10.25 a.m.

Agenda item 99: Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" (*continued*)

Draft resolution on follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, submitted by the Chairman

1. **Mr. Khane** (Secretary of the Committee) drew attention to page 3 of the Chairman's text, which had been circulated to members. The third footnote should read: A/59/214.

2. **Mr. García González** (El Salvador), rapporteur, said that he had acted as facilitator for the negotiations on the draft resolution. The text would provide an important basis for the work of the Commission on the Status of Women in 2005, the forthcoming tenth anniversary review of the Beijing Declaration and Platform for Action and the five-year review of the twenty-third special session of the General Assembly. It provided a broad and comprehensive vision for the promotion of women and answered the need for additional measures for faster implementation of the Platform for Action.

3. As the consultations had been lengthy, only an advance English version of the draft resolution was available. He hoped that the Committee would be in a position to take action on the draft resolution while awaiting its issuance in all languages.

4. **Mr. Bertoux** (France) said that his delegation attached great importance to multilingualism within the United Nations, but would be willing to work from the English version only, on an exceptional basis.

5. **Ms. Zack** (United States of America), speaking in explanation of position, said that her delegation would join the consensus on the draft resolution. The United States of America was firmly committed to the empowerment of women and the need to promote women's fullest enjoyment of universal rights and fundamental freedoms. It wished to note, in joining consensus, that it was essential to recognize the rights, duties, and responsibilities of parents and other persons legally responsible for adolescents to provide, in a manner consistent with the evolving capacities of the adolescent, appropriate direction and guidance on sexual and reproductive matters, education and other aspects of children's lives for which parents had primary responsibility. It strongly supported a balanced approach to the prevention of HIV/AIDS, such as the ABC Model (Abstinence, Be Faithful and correctly and consistently use Condoms when appropriate). Such an approach could target and balance A, B and C interventions according to the needs of different at-risk populations and the specific circumstances of a particular country confronting the epidemic.

6. Her delegation understood that none of the Beijing Platform for Action or Beijing +5 language constituted support, endorsement or promotion of abortion or the use of abortifacients. It did, however, support the treatment of women who suffered injuries or illnesses caused by legal or illegal abortion, including for example post-abortion care, and did not place such treatment among abortion-related services.

7. The United States fully supported the principle of voluntary choice in family planning and had stated on many occasions that it did not recognize abortion as a method of family planning. The United States did not promote abortion. It understood that the terms "reproductive rights" and "reproductive health services" did not constitute support, endorsement or promotion of abortion or the use of abortifacients. It was the understanding of her delegation that there was international consensus on that point.

8. The United States understood that joining consensus in no way constituted a reaffirmation of language in the Beijing Declaration and Platform for Action, the outcome of the twenty-third special session of the General Assembly or documents referred to therein, which could be used to suggest the creation of new human rights. It also understood that the documents were not intended to and did not create legally binding obligations on States under international law, nor did they indicate a change in its position regarding treaties it had not ratified.

9. The United States did not support quotas. It believed that the best way to guarantee women's involvement in the political process was through legal and policy reforms that ended discrimination against women and promoted equal opportunity. A disadvantage of quotas was that they might promote a

perception that a woman had gained a decision-making position because of gender rather than merit.

10. *The draft resolution was adopted.*

11. **Ms. Kang** (Republic of Korea) said that, from the point of view of the Commission on the Status of Women, the adoption of the resolution was a strong statement in support of its forty-ninth session in March 2005, which would mark the tenth anniversary of the Fourth World Conference on Women.

12. **Ms. Bakker** (Netherlands), speaking on behalf of the European Union, said that it welcomed the adoption of the draft resolution, which sent a strong signal of support for the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly. Those documents were fundamental to the collective responsibility for promoting the rights of women and achieving gender equality. The European Union looked forward to the review of progress at the forty-ninth session of the Commission on the Status of Women, which would provide an opportunity for the international community to renew its commitment to the full implementation of those documents. Their implementation was also essential to the achievement of the Millennium Development Goals, which had made women's empowerment a central concern.

13. **Ms. Dempster** (New Zealand), speaking also on behalf of Australia and Canada, said that the review and appraisal of the Beijing Declaration and Platform for Action would be a time to celebrate progress and once again to bring the rights of women to the world's attention, to raise awareness, to change attitudes and to take the next step. There was no need to negotiate new and expanded standards when so much in the Platform for Action remained to be done.

14. On the occasion of its tenth anniversary, it was important for Member States to reaffirm the Beijing Declaration and Platform for Action without equivocation. The international community had laboured too long over language. All aspects of the Platform were relevant to the challenges all countries faced, and all must reaffirm their commitment to advancing that common agenda. Moreover, it was critical for the rights of women to be at the forefront of the review of the Millennium Development Goals, and she looked forward to practical advice from the Secretary-General on how to work together to ensure that the Platform for Action remained the blueprint for progress.

15. **Mr. Takase** (Japan) said that his Government was fully committed to the implementation of the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly. Steady efforts should continue at the domestic, regional and international levels to advance the status of women and attain a society of true gender equality. His delegation welcomed the adoption of the draft resolution, which would lead to fruitful discussions at the forthcoming session of the Commission on the Status of Women, and took that opportunity to renew its commitment to the full and effective implementation of the goals and objectives of the Fourth World Conference on Women.

Agenda item 103: Elimination of racism and racial discrimination (*continued*)

Draft resolution on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation and follow-up to the Durban Declaration and Programme of Action **(A/C.3/59/L.71)**

16. **Mr. Al-Motawa** (Qatar), speaking on behalf of the Group of 77 and China, said that a consensus had been reached during the informal consultations, which had been facilitated by the delegation of South Africa.

17. **Mr. Montwedi** (South Africa) drew attention to the revised text which had been circulated to the Committee. Most of the changes had been made to bring the text into line with General Assembly resolution 58/160, which had been adopted at the previous session. In paragraph 32, the word "by" in the second line should be deleted. In the third line of paragraph 35, the words "in consultation with Member States" should be deleted; in the fourth line, a comma should be inserted after "seminar".

18. **Mr. Khane** (Secretary of the Committee) said that the statement of programme budget implications for the draft resolution had been read out when the text had been introduced. Because of lack of time, it had not been possible for the Budget Division to review the revised text. He therefore reserved the right to supplement the statement of programme budget

implications when the draft resolution was taken up by the General Assembly.

19. **The Chairman** said that the delegation of the United States of America had requested that a recorded vote should be taken on the draft resolution.

20. *A recorded vote was taken on draft resolution A/C.3/59/L.71, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada.

21. *Draft resolution A/C.3/59/L.71, as orally revised, was adopted by 175 votes to 2, with 2 abstentions.*

22. **Ms. Ajamay** (Norway), speaking also on behalf of New Zealand in explanation of vote after the voting, said that racism, racial discrimination, xenophobia and related intolerance were among the most important global human rights challenges. There was an urgent need to implement the Durban Declaration and Programme of Action, and her delegation had noted with great satisfaction the broad and active participation in the most recent session of the Inter-Governmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

23. It was essential to base the global fight against racism on a consensus approach. Against that background, Norway and New Zealand expressed their disappointment with the negotiations on the draft resolution, although they were satisfied with the outcome. They looked forward to a more constructive approach at future sessions.

24. **Ms. Kleitman** (Israel) said that her delegation had voted against the draft resolution because it believed that it was in direct opposition to the principles it purported to represent. Israel had always lent its full support to any good faith initiative aimed at eradicating racism, racial discrimination and related forms of intolerance. The history of the Jewish people, replete with the most horrible acts of intolerance and genocide the world had ever known, required no less. Precisely because of that commitment to oppose racism, however, it could not support the outcome of the Durban Conference.

25. The hijacking of the Durban Conference had been disturbing from the perspective of any individual committed to the idea that the international community

must work together to combat racism and racial discrimination. The fact that the Conference had been transformed into a vehicle to isolate and attack Israel had been a subversion of the goodwill of many and a disservice to those who would have benefited from genuine action against racism.

26. What had transpired there represented a serious regression in attempts to erase racism and racial discrimination. Certain delegations and NGOs had used the opportunity to single out one country for slanderous and hateful accusations, and her delegation, along with that of the United States of America, had been compelled to withdraw from the Conference. The Palestinian-Israeli conflict had been repeatedly invoked, despite the fact that it was a political and territorial conflict with no place at a conference dealing with racism. That conflict involved two peoples, both with rights, grievances and responsibilities, and it could only be resolved by a renunciation of violence and a commitment to negotiations based on a spirit of compromise and mutual recognition.

27. Regardless of the Committee's actions, Israel remained dedicated to confronting racism and racial intolerance, and would continue to exert every effort to that end.

28. **Mrs. Belot** (France) said that, even though her delegation had not voted against draft resolution A/C.3/59/L.71, she regretted that revisions had not been distributed in all official languages owing to the last minute nature of consultations.

29. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/59/375).

30. *It was so decided.*

Agenda item 105: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution on human rights and extreme poverty (A/C.3/59/L.38)

31. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.38 and announced that the following countries had joined in sponsoring the draft resolution: Argentina, Azerbaijan, Bangladesh, Bolivia, Brazil, Cape Verde, Chile, China, Colombia, Costa Rica, Cuba, Dominica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Guinea, the Libyan Arab Jamahiriya, Mexico, Nicaragua, Nigeria, the Niger, Norway, Panama, Papua New Guinea, Paraguay, the Philippines, the Republic of Korea, Senegal, Thailand, Timor-Leste, Ukraine, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam.

32. **Ms. Tincopa** (Peru) read out the following revisions to the draft resolution: in the first preambular paragraph, the words "International Bill of Human Rights" should be replaced by "Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and other human rights instruments adopted by the United Nations"; the second preambular paragraph should be deleted; in the third preambular paragraph, the words "by which [...] (1997-2006)" should be replaced by "in which The First United Nations Decade for the Eradication of Poverty (1997-2006) was proclaimed, as well as 57/211 of 18 December 2002 and its previous ones on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them"; the fourth preambular paragraph should be deleted; in the sixth preambular paragraph, the words "each country" should be replaced by "all countries", the word "its" should be replaced by "their" and the words "the extent and manifestations of extreme poverty" should be replaced by "its extent and manifestations"; in the seventh preambular paragraph, the words "bearing in mind" should be replaced by "recalling" and the word "and"

should be replaced by "as well as"; in the eighth preambular paragraph, the words "meeting of world leaders for action against hunger and poverty, convened on 20 September 2004 by" should be replaced by "World Leaders Meeting for Action against Hunger and Poverty, of 20 September 2004, convened by" and the words "and the resulting New York Declaration," should be deleted; the eleventh preambular paragraph should be replaced by "Reaffirming also that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,"; in the twelfth preambular paragraph, the words "for a period of two years" should be moved to after "extension" and the words "the question of" should be added before the phrase "human rights and extreme poverty"; in paragraph 5, the words "establishment of [...] democratic systems" should be replaced by "design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance"; in paragraph 6, the words "contained in the United Nations Millennium Declaration" should be moved to after "commitments" in the first line, the word ", particularly" should be added before "to spare no effort" and the words "United States" should be added between "one" and "dollar"; paragraph 7 should be deleted; paragraph 9 should be replaced by "Welcomes the efforts of entities throughout the United Nations system to incorporate the Millennium Declaration and internationally agreed development goals therein in their work"; and in paragraph 10, the words "submit a report on his activities" should be replaced by "forward his reports which he will submit to the sixty-first and sixty-second sessions of the Commission on Human Rights".

33. She announced that the following countries had joined the sponsors of the draft resolution: Armenia, Belgium, Botswana, Bulgaria, Cameroon, Croatia, Cyprus, the Czech Republic, Denmark, Egypt, France, Germany, Greece, India, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Namibia, Netherlands, New Zealand, Poland, Portugal, Romania, Saint Vincent and the Grenadines, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Tunisia and the United Kingdom of Great Britain and Northern Ireland.

34. The sponsors attached great importance to the proposal for innovative financing mechanisms to combat hunger and poverty (para. 7 alt). However, given that the issue was still being discussed by another commission, and with a view to achieving a consensus, they had decided to withdraw paragraph 7 altogether. She hoped that the revised draft resolution would be adopted without a vote.

35. **The Chairman** announced that the following countries also wished to sponsor the draft resolution, as orally revised: Albania, Andorra, Austria, Belarus, Bosnia and Herzegovina, Burkina Faso, Burundi, Canada, the Central African Republic, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti, Estonia, Ethiopia, Finland, the Gambia, Georgia, Ghana, Grenada, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Indonesia, Kenya, Kuwait, Lesotho, Liberia, Liechtenstein, Madagascar, Malawi, Mali, Mauritania, Mauritius, Monaco, Mongolia, Morocco, Mozambique, Nepal, the Republic of Moldova, Rwanda, Saint Lucia, San Marino, Serbia and Montenegro, Somalia, South Africa, Sri Lanka, the Sudan, Swaziland, Switzerland, Togo and Zambia. The draft resolution contained no programme budget implications.

36. *Draft resolution A/C.3/59/L.38, as orally revised, was adopted without a vote.*

37. **Ms. Zack** (United States of America) said that, even though her delegation had joined consensus on the draft resolution, it was concerned that the resolution did not adequately reflect the fact that respect for human rights in itself was an important tool in fighting extreme poverty. The divide between wealth and poverty was a challenge at the national and international levels. The advance of development was a central commitment of her Government's foreign policy, but must be accompanied by good governance, sound economic policies, measures to root out corruption and respect for human rights and the rule of law. With the world's help and the right policies, citizens in the developing world could — and should — live under Governments that provided basic services and protected basic rights. There was no better way to address extreme poverty.

38. **Ms. García-Matos** (Bolivarian Republic of Venezuela) drew attention to the artificial distinction between "poverty" and "extreme poverty", which seemed to imply that they would be tackled differently.

Draft resolution on the protection of human rights and fundamental freedoms while countering terrorism (A/C.3/59/L.44)

39. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.44, which contained no programme budget implications. The following countries had joined in sponsoring the draft resolution: Bulgaria, Croatia, Ecuador, Iceland, Madagascar, Malawi, Monaco, New Zealand, Romania, Spain, the former Yugoslav Republic of Macedonia and Ukraine.

40. **Mr. Gómez Robledo** (Mexico) announced that Armenia, Bolivia, Egypt, Japan and Paraguay had also become sponsors of the draft resolution. He read out the following revisions to the draft resolution: in the third preambular paragraph, the words "and deploring violations of human rights and fundamental freedoms in the context of the fight against terrorism," should be added after "persons,"; a new fifth preambular paragraph should be added to read "Noting the declarations, statements and recommendations by a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,"; in the original fifth preambular paragraph, the words "and other relevant resolutions of the General Assembly and the Commission on Human Rights" should be added at the end of the paragraph; the original ninth and twelfth preambular paragraphs should be deleted; in paragraph 2, the words "also that" should be replaced by "the obligation of", the words "are under the obligation" and "as stated in [...] 24 July 2001" should be deleted and a new footnote reading "See e.g. General Comment No. 29 on states of emergency adopted by the Human Rights Committee of 24 July 2001" should be added after "derogations"; in paragraph 5, the words "which concludes [...] integrated way" should be deleted; in paragraph 6, the words "the provisions established therein," should be replaced by "its content"; in paragraph 8, the words "encourages them" should be added before "to coordinate" and the words "as appropriate" should be replaced by "where appropriate"; in paragraph 10, the word "Welcomes" should be replaced by "Notes with appreciation", the words "by the Commission on Human Rights" and "question of" should be deleted, and the words "pursuant to resolution 2004/87 of the Commission on Human Rights," should be added after "countering terrorism,"; and in paragraph 12, the words "to finalize [...] General Assembly" should be replaced by "to take into account the debate held at the fifty-ninth regular session of the General Assembly, in the finalization of the report mandated by Commission on Human Rights resolution 2004/87, for its presentation through the High Commissioner to the sixty-first session of the Commission".

41. He hoped that the draft resolution would be adopted without a vote.

42. **The Chairman** announced that the following countries wished to sponsor the draft resolution: Albania, Bosnia and Herzegovina, Costa Rica, Grenada, Honduras, Jordan, the Republic of Moldova, Saint Vincent and the Grenadines, Serbia and Montenegro, the Sudan and Venezuela (Bolivarian Republic of).

43. *Draft resolution A/C.3/59/L.44, as orally revised, was adopted without a vote.*

44. **Ms. Moore** (United States of America) said that her country was pleased to join consensus on the draft resolution and that it attached great importance to protecting human rights and fundamental freedoms while countering terrorism, as recently demonstrated by its actions to investigate and bring to justice those persons in her Government, including the military, who violated United States law while countering terrorism. Radicalism and terror must be fought with justice and dignity to achieve a true peace founded on human freedom. Her country called on all States and organizations to consider how they could improve their contribution to the fight against terrorism, and called on States who had not done so to join the relevant international terrorism instruments and to seek assistance, as necessary, from the United Nations Terrorism Prevention Branch. The global fight against terrorism could be won only with the cooperation of all Member States.

45. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela) said that, just one week before and for the first time in its history, his country had witnessed the political assassination, by a terrorist bomb, of a high-level official of the Public Prosecutor's Office, who had been conducting a criminal investigation into a number of subversive attacks against the Republic and its new democratic institutions in 2003. In that regard, the National Assembly was currently drafting a law on terrorism.

Draft resolution on the protection of migrants (A/C.3/59/L.51)

46. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.51, which contained no programme budget implications. He announced that the following countries had joined in sponsoring the draft resolution: Argentina, Bangladesh, Brazil, Colombia, Ecuador, Guatemala, Mali, Paraguay, the Philippines, Senegal, Tunisia and Uruguay.

47. **Ms. Olivera** (Mexico) said that Armenia, the Niger and the Bolivarian Republic of Venezuela also wished to sponsor the draft resolution. She drew attention to the following revisions: in the fourth preambular paragraph, the words "that the rights [...] subject to its jurisdiction" should be replaced by "to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant"; in the seventh and fifteenth preambular paragraphs, the words "and members of their families" should be deleted; in the ninth preambular paragraph, the words "Welcoming also" should be replaced by "Taking note with appreciation of" and the words "as well as [...] contained therein" should be replaced by "especially the work she has undertaken on the human rights of migrants, and taking note of her conclusions and recommendations"; in the tenth preambular paragraph, the words "in the case of foreign nationals detained by the authorities of a receiving State," should be deleted; in the eleventh preambular paragraph, the words "in which the Court [...] probably a foreign national" should be replaced by "and recalling the obligations of States reaffirmed therein"; in the twelfth preambular paragraph, the words "on the juridical condition [...] including those concerning migrants" should be replaced by "on The Juridical Condition and Rights of Undocumented Migrants"; in the eighteenth preambular paragraph, the word "resolving" should be replaced by "resolved"; in paragraph 3, the words "norms and standards" should be deleted; in paragraph 4, the word "growing" should be replaced by "increasing"; in paragraph 5, the word "Also" at the beginning of the paragraph should be deleted; in paragraph 6, the words "any form of" should be replaced by "arrest," and the words "accorded to him or her" should be deleted; in paragraph 7, the words "implement fully [...] protection of" should be replaced by "promote and protect fully" and the word "as" should be added after "migrants"; in paragraph 8, the word "also" should be added at the beginning of the paragraph; in paragraph 12, the word "including" should be replaced by "and to take actions to prevent and punish any form of illegal deprivation of liberty of migrants"; in paragraph 15, the words "which should take into account [...] any form of" should be replaced by "recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may include" and the word "them" should be replaced by "Member States"; in paragraph 18, the words "and promote" should be added before "all human rights"; in paragraph 21, the words "react promptly [...] to visit them" should be replaced by "respond appropriately and expeditiously to her urgent appeals and to give serious consideration to her requests to visit their countries, and welcomes in this regard the standing invitations extended by some Member States to all special procedures, including the Special Rapporteur"; in paragraph 22, the words "take the necessary measures [...] Special Rapporteur" should be replaced by "review and examine the conclusions and recommendations of the Special Rapporteur's report, and to consider their implementation"; in paragraph 23, the words "Calls upon" should be replaced by "Invites"; and in paragraph 25, the words ", as a matter of priority," should be deleted.

48. **Mr. Khane** (Secretary of the Committee) announced that Bolivia, Côte d'Ivoire, the Gambia, Ghana, Grenada, Kyrgyzstan, Morocco, Nicaragua, Nigeria, Somalia, Sri Lanka, the Sudan and Togo had joined the sponsors of the draft resolution.

49. *Draft resolution A/C.3/59/L.51, as orally revised, was adopted without a vote.*

50. **Ms. Moore** (United States of America), explaining her delegation's position, said that the United States had joined the consensus on the resolution after substantial negotiations. The United States had always drawn strength from those who came to it from every country of the world, whether as visitors or as permanent residents. It welcomed legal immigrants and properly documented temporary visitors, including workers and students. Moreover, more than 1 million of its own citizens lived and worked in other countries, contributing to the global economy. It urged its citizens to observe all local laws when moving to or working in other countries, and encouraged the citizens of other countries to do the same in the United States. Legal migration was, and

would continue to be, an important force for progress in the world.

51. **Ms. Chan** (Singapore) said that her country took the welfare of migrants extremely seriously, and that migrants to Singapore, whether permanent or temporary, enjoyed the same legal protection as Singapore citizens. However, Singapore did require that migrants enter its territory through legal channels. Those who did not do so were regarded as illegal immigrants, and were treated as such in accordance with Singapore's domestic legislation. Singapore continued to believe that immigration policies were a matter for each State's sovereign jurisdiction, and that it was therefore inappropriate for General Assembly resolutions to call on States to review their immigration policies. Singapore was willing to join the consensus on the draft resolution, in a spirit of cooperation, but reserved the right to reconsider its position in the future. Its position applied to any other resolution that might impinge on States' rights to define their own immigration policies.

Draft resolution on the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/C.3/59/L.58)

52. **The Chairman** invited the Secretary of the Committee to make a statement regarding financial provisions relating to the draft resolution.

53. **Mr. Khane** (Secretary of the Committee), drawing the Committee's attention to paragraphs 5, 6, 7, 8 and 11 of the draft resolution, said that, in accordance with paragraph 5 of the draft resolution, the Ad Hoc Committee would hold two sessions at United Nations Headquarters in 2005: a fifth session, from 24 January to 4 February, and a sixth session, from 15 to 26 August. The respective conference-servicing requirements for the two sessions were estimated to be $450,000 and $509,400, at full cost, which would be accommodated within available resources.

54. *Ms. Groux (Switzerland), Vice-Chairman, took the Chair.*

55. **The Chairman** announced that Argentina, Burkina Faso, Cameroon, Congo, Democratic Republic of the Congo, Gabon, the Gambia, Grenada, Guinea, Honduras, Libyan Arab Jamahiriya, Mali, Nicaragua, Panama, Republic of Korea, Republic of Moldova, Senegal, Sierra Leone, Thailand, Timor-Leste, Trinidad and Tobago, and Uruguay had joined the sponsors of the draft resolution.

56. **Ms. Olivera** (Mexico) announced that Austria, Belgium, Brazil, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Jordan, Kenya, Lithuania, Luxembourg, Malta, Mauritius, Namibia, Netherlands, New Zealand, Norway, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Saint Vincent and the Grenadines, Slovakia, Slovenia, South Africa, Sweden, the former Yugoslav Republic of Macedonia, Ukraine and United Kingdom had joined the sponsors of the draft resolution. She drew the attention of the Committee to the revisions made to the draft resolution, which were contained in document A/C.3/59/L.58/Rev.1.

57. **The Chairman** announced that Albania, Algeria, Andorra, Australia, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Central African Republic, China, Colombia, Côte d'Ivoire, Egypt, Equatorial Guinea, Eritrea, Estonia, Georgia, Ghana, Guinea, Iceland, Israel, Jamaica, Latvia, Liechtenstein, Lebanon, Liberia, Morocco, Nigeria, Romania, Serbia and Montenegro, Spain, Switzerland and Togo had also become sponsors.

58. *Draft resolution A/C.3/59/L.58, as orally revised, was adopted without a vote.*

59. **Mr. Hof** (Netherlands), speaking on behalf of the European Union, said that the European Union wished to reaffirm its commitment to the elaboration of an international convention, which would help shape international opinion and would be an agent for change over the coming years. The convention must be enforceable and realistic in order to ensure the widest possible degree of ownership and the most extensive possible ratification and adherence. It was the responsibility of the sponsors to present to the General Assembly a draft convention that took into account the highest international human rights standards.

60. **Mr. Ballestero** (Costa Rica) said that his delegation set particular store by the draft resolution and the efforts of the international community to draft a convention on the rights of persons with disabilities. The adoption of the draft resolution through consensus and the large number of sponsors involved demonstrated the commitment and desire of the international community to ensure that the convention could be put into practice as soon as possible and to

ensure that the convention was both of a high quality and realistic.

Draft resolution on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy, and amendments thereto (A/C.3/59/L.62 and A/C.3/59/L.77)

61. **The Chairman** drew the attention of the Committee to the proposed amendments to the draft resolution contained in document A/C.3/59/L.77. She announced that Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Rwanda, Serbia and Montenegro, Slovakia, Sweden, the former Yugoslav Republic of Macedonia, Turkey and Ukraine had joined the sponsors of the draft resolution.

62. **Mr. Stamate** (Romania), introducing the draft resolution on behalf of the sponsors, announced that Albania, Armenia, Australia, the Dominican Republic, Estonia, Iceland, India, Mexico, New Zealand, San Marino, Spain, Switzerland and Uruguay had also become sponsors. Following consultations with a number of delegations, further amendments had been made to the text of draft resolution A/C.3/59/L.62. Three new preambular paragraphs had been added. New preambular paragraph 1 would read: "*Reaffirming* the purposes and principles of the Charter of the United Nations;" new preambular paragraph 3 would read "*Recalling* that all peoples have the right to self-determination by virtue of which they can freely determine their political status, and freely pursue their economic, social and cultural development;" and new preambular paragraph 4 would read: "*Reaffirming* our resolve, expressed, inter alia, in the United Nations Millennium Declaration to implement the principles and practices of democracy and recognizing the diverse nature of the community of the world's democracies". The remaining preambular paragraphs would be renumbered accordingly.

63. The new preambular paragraphs contained agreed language from preambular paragraphs 1, 4 and 7 of General Assembly resolution 55/96 and paragraph 25 of the Millennium Declaration, slightly modified. He drew the Committee's attention to paragraph 8 of the draft resolution, from which the word "relevant" would be deleted, and to paragraph 10, from which all text following the words "democratic institutions" would also be deleted. The sponsors had been unable to accept any more amendments and found no reason to resort to language of condemnation, since the resolution called for cooperation. His delegation urged other delegations to vote in favour of the draft resolution as amended by the main sponsors, and to decline to support any other amendments not endorsed by them.

64. **Mr. Cumberbatch Miguén** (Cuba) said that in the wake of the changes made by the main sponsors of the draft resolution (A/C.3/59/L.62), his delegation wished to maintain only the fourth amendment proposed in document A/C.3/59/L.77 but, instead of replacing operative paragraph 5, the suggested text should be included in the draft resolution as an additional operative paragraph 5 bis.

65. **Mr. Stamate** (Romania) said that when drafting the resolution, the sponsors had been guided by the principles of innovation, brevity, lack of repetition and relevance. The amendment proposed by Cuba was relevant as it echoed paragraph 8 of the Vienna Declaration and Programme of Action. The sponsors were prepared to accept the amendment provided that it reproduced the whole of that paragraph. To that end, the amendment should therefore be supplemented by the sentence "The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world."

66. **Mr. Cumberbatch Miguén** (Cuba) said that his delegation would accept the proposed sub-amendment, but it requested a recorded vote on the draft resolution as a whole, as orally amended.

67. Speaking in explanation of vote before the voting, he said that despite the flexibility and constructive spirit which had permitted the inclusion of substantive amendments in the draft resolution, numerous remaining concerns had prompted his delegation's request for a recorded vote. As it stood, the draft resolution was imbalanced in the way it defined which societies, or nations, were deemed to be democratic. Instead of democracy becoming a reality for all, it was being turned into a dogma. By focusing on the structural aspects of the political set-up, the text stymied the right of peoples to self-determination and, since it made no reference to that right, paragraph 1

even denied it. Nor did the draft resolution mention the achievement of economic, social and cultural rights or social justice, although those factors strongly influenced the realization of democracy. That shortcoming was all the more counterproductive in the light of the wording in paragraph 10 referring to the collective defence of democracy, where it was implied that "democratic intervention" was needed in addition to humanitarian intervention. The history of the peoples of the Third World, especially those in Latin America, was a sorry illustration of that approach.

68. Furthermore, the draft resolution encouraged certain regional and subregional organizations to mobilize support from States which agreed with the highly interventionist agenda shared by the main sponsors of the draft resolution and by various bodies of the United Nations, first and foremost the Office of the High Commissioner for Human Rights. His Government had no reason to be ashamed of its human rights record or of its genuinely constructive cooperation with many regional and subregional organizations. Any attempt to exert pressure on the Cuban people and negate its decision to choose its own economic, political and social system would meet with staunch opposition.

69. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela) said that his delegation would abstain, because both the interpretation and the usage of the concepts and terms employed in the draft resolution were ambiguous and, in practice, could lead to undesired effects incompatible with fundamental provisions of his country's constitution.

70. *A recorded vote was taken.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Yemen.

Against:

None.

Abstaining:

Belarus, Bhutan, Burkina Faso, China, Cuba, Democratic People's Republic of Korea, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Saudi Arabia, Syrian Arab Republic, Turkmenistan, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

71. *Draft resolution A/C.3/59/L.62, as orally amended, was adopted by 161 votes to none, with 20 abstentions.*

72. **Mr. Elbadri** (Egypt), said that his delegation had voted in favour of the draft resolution because the sponsors had accommodated some crucial concerns in a way which left the basic universal tenets of democracy untouched. They had included a reference

to certain principles and rights, such as the right of self-determination, which implied the right of all peoples to be free and to pursue their destiny in the manner they thought fit. Such principles provided a moral compass in the stormy seas of politics. His delegation had supported the amendment in the belief that freedom was indivisible and that it constituted the essence of democracy. Locke's dictum that man must be free to will was reflected in the resolution, from which controversial terms and references had been deleted. The resultant text unequivocally upheld all the basic principles and purposes of the Charter of the United Nations.

73. **Ms. Li** Xiaomei (China) said that her delegation had abstained because it believed that, while promoting and consolidating democracy was of great importance to all the countries of the world, the rich diversity of democratic systems sprang from different social, cultural and religious traditions. Although dissimilar democratic systems had a common denominator, they had no fixed pattern. The foundation of democracy was that people could express their wishes and determine their economic, social and political system by their own free will.

74. **Mr. Taranda** (Belarus) said that his delegation had abstained because, although it was in favour of constructive dialogue on an equal footing in regional and subregional organizations, it felt that some paragraphs of the draft resolution lacked the requisite balance.

75. **Ms. Astanah Bahu** (Malaysia) said that her Government supported the general thrust of the text of the draft resolution. In the spirit of the revitalization of the Third Committee's work, her delegation had not, however, initially been in favour of tabling that draft resolution of the Commission on Human Rights in the Third Committee. Reassurances had been given that such a resolution would not be submitted to the Committee in the future and it was only on that understanding that her delegation had agreed to the text being submitted at the current session.

76. **Mr. Manis** (Sudan) said that his delegation had voted in favour of the draft resolution, since it was convinced that human rights, democracy and the right to development were indivisible, interdependent issues. There was no single recipe for democracy which could be applied to all States. The differences and diversity of peoples' and countries' cultures enriched mankind's civilization.

77. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/59/422), the report of the Secretary-General on human rights and unilateral coercive measures (A/59/436), the note by the Secretary-General on the elimination of all forms of religious intolerance (A/59/366), the report of the Secretary-General on the right to development (A/59/255), the report of the Secretary-General on the protection of migrants (A/59/328), the report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/59/403), the note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General on human rights defenders (A/59/401), the report of the Secretary-General on the strengthening of the rule of law (A/59/402), the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/59/377) and the report of the Secretary-General on Khmer Rouge trials (A/59/432).

78. *It was so decided.*

79. **Ms. Davtyan** (Armenia) drew the Committee's attention to the letter from the Permanent Representative of Armenia to the Secretary-General concerning the report of the Secretary-General on human rights and unilateral coercive measures (A/59/436), which had been circulated under agenda item 105 (b).

The meeting rose at 12.55 p.m.